United Nations A/AC.109/2007/11

General Assembly

Distr.: General
27 March 2007

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Tokelau

Working paper prepared by the Secretariat

Contents

		Paragraphs	Page
I.	General	1–3	3
II.	Constitutional and political developments	4–19	3
III.	External relations	20–24	6
IV.	Economic conditions	25–44	7
	A. Economic developments	29–38	8
	B. Public services	39	10
	C. Transport and communications	40–43	10
	D. Power supply	44	11
V.	Social conditions	45–48	12
	A. Education	45	12
	B. Health	46–47	12
	C. Status of women	48	12
VI.	Consideration of the question by the United Nations	49–54	13
	A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	49–51	13
	B. Special Political and Decolonization Committee (Fourth Committee)	52–53	13
	C. Action taken by the General Assembly	54	14

07-28448 (E) 200407

VII. Future status of the Territory 55–59 14
A. Position of the administering Power 55–56 14
B. Position of the people of Tokelau 57–59 15

I. General

1. Tokelau,[1] a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 km^2. Fakaofo is the southernmost atoll; Nukunonu is nearly 50 km away; and Atafu nearly 100 km from Nukunonu. Each atoll comprises strips of land no more than 200 m wide and never more than 5 m above sea level. Samoa, 480 km to the south, is the nearest sizeable neighbour and only port to the outside world.

2. Tokelauans are Polynesians with linguistic, family and cultural links with Samoa. The last five-yearly census, taken on 19 October 2006, recorded a de jure resident population of 1,466. This figure includes all usual residents present in Tokelau on census night (excluding visitors) plus those who usually reside in Tokelau but were overseas temporarily in Government employment or for educational and medical reasons, a frequent occurrence in the Territory. The 2001 census had recorded a population of 1,537, which included all those present in Tokelau on census night and those counted in Apia, Samoa. By atoll, the 2006 population was recorded as follows: Atafu, 524; Fakaofo, 483; and Nukunonu, 426. An additional 33 Tokelauan public servants, including their immediate families, were recorded in Apia, where the Tokelau Apia Liaison Office is located. The constraints of atoll life and limited opportunities have led some 12,000 Tokelauans to settle abroad, mainly in New Zealand and Samoa.

3. There has never been a New Zealand representative resident in the Territory. The New Zealand official who deals with Tokelau is the Administrator, appointed by the Minister for Foreign Affairs and Trade. In October 2006, David Payton was appointed as the new Administrator. Until June 2001, when responsibility for public services was transferred to the Territory, there was also a New Zealand-based Public Service Commissioner for Tokelau.

II. Constitutional and political developments

4. As reported in previous working papers on the question of Tokelau (see A/AC.109/2001/5, A/AC.109/2002/6, A/AC.109/2003/10, A/AC.109/2004/8 and A/AC.109/2005/3), the current process of constitutional development stems from the 1998 decision by the General Fono (the national representative body) to endorse a comprehensive report entitled "Modern House of Tokelau", which addressed the core issue for Tokelau in creating a constitutional framework: how to construct a governance and administrative system that suited a self-governing nation based on the atoll or village structure and traditional decision-making customs.

5. Regarding the legislative structure, in accordance with recommendations made in the 1998 Modern House report, a new electoral system was instituted for the General Fono in 1999. The issue of representation within the General Fono was reviewed again in October 2004, and decisions were made on a method of

[1] The information contained in the present working paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

appointment of the Chairperson of the General Fono and on the role and responsibilities of the six-person Council of Ongoing Government, which is in effect the executive Government during times when the General Fono is not in session. The Council consists of the three Faipule (the representative of each village) and the three Pulenuku (the mayor of each village).

6. Since November 2001, legislative seats in the General Fono have been proportional to the size of the population of each atoll. Replacing the former structure of 18 members (6 per atoll), the new General Fono has 23 members, giving Atafu eight delegates, Fakaofo eight and Nukunonu seven. The triennial elections for Faipule, Pulenuku and General Fono delegates were held in each village in January 2005. Each of the newly elected Faipule had previously served two or more terms. The position of Ulu-o-Tokelau, or Head of Government, rotates annually among the three Faipule. In February 2006, Kolouei O'Brien was installed as Ulu for the year. Kuresa Nasau succeeded Mr. O'Brien in February 2007.

7. The first discussions on a new framework of relationship between New Zealand and Tokelau, based on initial studies for a Tokelauan Constitution, funded by the United Nations Development Programme (UNDP) in the mid-1990s, were held in Wellington, in December 2002. Following further consultations, a Principles of Partnership statement was agreed upon by the June 2003 General Fono and subsequently approved by the New Zealand Government. The Partnership agreement with New Zealand provided the medium- to long-term context in which work could be carried forward on Tokelau's constitutional and other developments. The document addressed the management of the Partnership, self-determination for Tokelau, Tokelau's language and culture, New Zealand citizenship, shared values, economic and administrative assistance, coordination of services to Tokelau, defence and security, foreign affairs and the Tokelauan community in New Zealand. At the same time, the New Zealand Government approved a support scheme for Tokelau known as the administrative assistance scheme. The essence of the scheme was that all New Zealand Government agencies were formally instructed to consider providing assistance to Tokelau within their spheres of responsibility. Arrangements were made for the Tokelau Unit in Wellington to act as the liaison and coordination point for the scheme.

8. At its meeting in June 2003, the General Fono had also agreed that the three Village Councils should assume full responsibility for all the public services on their atolls and a target date of 30 June 2004 for the achievement of that objective was met. The decision stemmed from an earlier agreement on the approach known as the Modern House of Tokelau (see para. 4 above), whereby the traditional Council of Elders on each atoll should serve as the foundation for a future governance structure. Under that arrangement, the three Village Councils would delegate authority to the General Fono for those activities that need to be handled at the national level (for further details on the review process of Tokelau's public services prior to 30 June 2004, see A/AC.109/2005/3). The remaining aspect of the Modern House project, known as "Friends of Tokelau", that is, keeping Tokelau's communities in New Zealand and other interested parties informed of developments, is being handled by the Office of Ongoing Government of Tokelau in Apia and the new Special Relations Unit in Wellington. The Unit, which is responsible for New Zealand's relationship with Tokelau, is staffed by officers of both the Ministry of Foreign Affairs and the Agency for International Development and headed by the new Administrator, David Payton.

9. At its June 2003 meeting, the General Fono also took a formal decision, by consensus and with the support of all three Village Councils, to "endorse self-government in free association with New Zealand as the choice now to be actively explored with the New Zealand Government". In November of the same year, the General Fono adopted a paper recommended by its Special Constitutional Committee which brought together all the main elements expected to be in an eventual constitution. That followed an extensive process of consultation conducted by the Tokelau public service on all three atolls. The paper draws upon customary practice, the written rules of the General Fono and parts of New Zealand law.

10. Agreement was reached at the General Fono held in January 2004 on the steps to be taken to give effect to the decision of actively exploring the endorsement of self-government in free association with New Zealand. The steps included a series of discussions: with senior officials both in Wellington and in Apia, as mentioned above; during the Special Committee's Pacific regional seminar held in Papua New Guinea in May 2004; during consideration of the situation in Tokelau by the Special Committee in June 2004 and June 2005; at the General Fono and village deliberations; at several meetings in Tokelau and Samoa involving the Administrator; at meetings with Tokelau's constitutional adviser, Tony Angelo, and Tokelau's senior officials and political leadership; and at a number of meetings with Tokelau's overseas communities in New Zealand, Samoa, American Samoa, Hawaii and Australia.

11. In August 2004, the Prime Minister of New Zealand visited Tokelau, at which time she welcomed Tokelau's recent decisions on its future political status and assured it of New Zealand's ongoing friendship and support as it moved towards an act of self-determination.

12. The draft constitution was given further consideration at the October 2004 meetings of the Special Constitutional Committee and the General Fono, and was endorsed by the August 2005 General Fono as the basis for the proposed act of self-determination. The October 2004 General Fono also took a number of decisions on Tokelau's draft constitution and legislative framework. Agreement was also reached on law-making procedures, the role of the constitutional advisory body, Kau Hauatea, the judicial system and the newly established International Trust Fund.

13. At the invitation of the Prime Minister, the Council of Ongoing Government visited New Zealand in November 2004 for high-level discussions on Tokelau's further political evolution. The Council met with the Governor-General, the Prime Minister, the Minister for Foreign Affairs and Trade and the Leader of the Opposition. The Council also held a series of meetings with the main Tokelauan communities in New Zealand. The Council made another official visit to New Zealand in November 2005, again meeting with all the major Tokelauan communities.

14. At its August 2005 meeting, the General Fono approved the text of a draft treaty of free association between Tokelau and New Zealand as a basis for an act of self-determination. It also appointed a translation committee and a referendum commission. Subsequently, in November 2005, the General Fono approved the translations of the draft constitution and draft treaty, as well as of the draft referendum rules (including a closing date of 23 December 2005 for voter registration), and set the dates for the referendum from 11 to 15 February 2006. It agreed that an overall majority of two thirds of the valid votes cast would be

required for a change to Tokelau's status and decided that the voting should take place sequentially in Apia and on the three atolls.

15. On behalf of Tokelau and New Zealand, in November 2005 the New Zealand Government formally invited the United Nations to monitor the act of self-determination and indicated that the presence of representatives of the Special Committee on Decolonization would also be welcome.

16. The referendum to determine Tokelau's future status took place as planned, with voting in Apia on 11 February 2006 (for eligible Tokelauans based in Samoa), and in Atafu, Nukunonu and Fakaofo on 13, 14 and 15 February 2006, respectively.

17. Sixty per cent of registered Tokelauan voters voted in favour of self-government in free association with New Zealand. That percentage, however, was not sufficient to meet the required two-thirds majority. In numbers, a total of 584 voters (95 per cent of registered voters) turned out, with 349 voting in favour and 232 against. Three votes were declared invalid. The voting was conducted in the presence of a United Nations monitoring mission, which deemed the election process credible and reflecting the will of the people. Ambassador Robert Aisi of Papua New Guinea represented the Special Committee on Decolonization throughout the referendum process. He was accompanied by a representative of the Decolonization Unit of the Department of Political Affairs. Also present from the United Nations to formally monitor the elections were representatives of the Electoral Assistance Division, from both Headquarters and from Fiji.

18. Following the referendum, the Council of Ongoing Government and the New Zealand Government agreed to leave the referendum package on the table for future consideration. Following consultations between the Council of Ongoing Government, the three villages and the General Fono, in August 2006, the General Fono took a consensus decision to hold a second referendum on Tokelau's self-determination in November 2007. The proposed constitution and the draft treaty, commonly referred to as the self-determination package, will be the same and the legal threshold for the proposal to be accepted will remain at a two-thirds majority: 66 per cent plus one.

19. Tokelau has approached UNDP for assistance with funding and UNDP is actively raising funds for the undertaking.

III. External relations

20. As spelled out in paragraphs 9 and 10 of the Principles of Partnership statement, Tokelau, as a Non-Self-Governing Territory, currently has insufficient international legal personality to enter into formal international legal obligations in its own right. New Zealand is responsible for entering into any such obligations on Tokelau's behalf, after consulting with Tokelau as to its wishes. Tokelau participates in regional and international organizations in its own right to the extent that those organizations provide for such participation.

21. Tokelau is a member of the Forum Fisheries Agency, the South Pacific Community, the University of the South Pacific and the Pacific Regional Environment Programme. In October 2005, Tokelau was admitted as an Associate Member of the South Pacific Applied Geoscience Commission. Later that month, the Ulu of Tokelau attended the Pacific Islands Forum meeting, where Tokelau was

welcomed as an observer for the first time. It has since then been determined that Tokelau will remain an observer until such time as it exercises self-determination. At the Forum meeting and in the same vein, Pacific region members of the European Union, African, Caribbean and Pacific States development assistance group and the Pacific Islands Forum endorsed in principle an application for accession to the Cotonou Agreement by a self-governing Tokelau (in anticipation of a positive referendum outcome in 2006). It is understood that this application now awaits the outcome of the November 2007 referendum. Expressions of interest in establishing bilateral technical assistance programmes were received from a number of countries. Tokelau is also an Associate Member of the World Health Organization and of the United Nations Educational, Scientific and Cultural Organization.

22. In March 2003, the first formal visit to Tokelau by a Samoan Prime Minister took place and a memorandum of understanding was signed in which the Territory and Samoa agreed on an annual programme of activities in areas such as education, shipping and economic cooperation. A first round of talks was held with the Prime Minister in December 2004, as provided for in the memorandum of understanding.

23. Following a visit in April 2003 to Tokelau by the Director-General of the secretariat of the Pacific Community, it was agreed that a senior member of the secretariat would act as a focal point for Tokelau programme activities, focusing on community health, youth, women, fisheries and cultural development.

24. In November 2003, New Zealand and Tokelau entered into an agreement with France on the delimitation of the maritime boundaries between Wallis and Futuna and Tokelau. Negotiations are now under way with Kiribati, and preliminary discussions have been held with the Cook Islands and Samoa.

IV. Economic conditions

25. Traditional and communal values and practices play a key role in contributing to a state of general well-being and equity in the Territory, as evidenced by the redistribution principles of traditional wealth (the *inati* system) and the importance attached to upholding the concept of the family and/or the extended family. The tradition of *inati* requires the deposition of food and produce at a central location, which is then apportioned by the distributors on the basis of "share groups". The principle provides for a secure distribution system that caters to the needs of every member of the community, including the elderly, widows, single parents and children.

26. Major constraints on economic growth include natural disadvantages, such as the small size of Tokelau, isolation, the geographical dispersion of the atolls, limited and poor natural resources and proneness to natural disasters (such as cyclones). Tokelau's economic stability has so far been made possible by the high levels of assistance provided by the administering Power.

27. Tokelau has a unique combination of traditional and modern income resource streams. With Government funding, many villagers are paid regularly for various village duties ranging from construction and boat loading to assistance to the General Fono and other public entities. The devolution of public services to the atolls has also increased the number of wage employees and needs for specialized skill development or qualifications. The past few years have seen a rise in small

enterprises and in interest in generating cash income. However, artisans prefer to keep handicrafts as a cultural practice rather than use them for commercial gain. Much investment has been made in expanding fisheries commercially over the past decade, but maintaining artisanal fisheries at a subsistence level remains the preferred approach. In addition, lack of reliable transport makes competition with Samoan fisheries, which are closer to markets, virtually impossible.

28. Migration of skilled persons is an ongoing threat to the sustainability of any endeavour. Unlike other islands in free association with New Zealand with rapidly dwindling numbers in both Niue and the Cook Islands, Tokelau has been able to maintain a steady population. Although the recent census indicated a decrease in numbers, most people leave Tokelau only temporarily, mainly for education, schools currently provide up to year 11 only; health, hospitals are currently only equipped for general operations; and employment reasons. Tokelau is now working towards building new schools and hospitals, getting a new ship and providing services in Tokelau to a standard that would be satisfactory to any citizen of New Zealand.

A. Economic developments

29. During the visit by the Prime Minister of New Zealand (see para. 11), a multi-year economic support agreement was signed between the New Zealand Agency for International Development and Tokelau. Additional funding was announced to improve shipping services while a study of long-term shipping options is being carried out jointly by Tokelau and New Zealand. The Prime Minister also pledged New Zealand's support for the Tokelau International Trust Fund. The Fund, formally established in November 2004, is designed to provide intergenerational security and an independent source of income to Tokelau. With contributions from Tokelau, New Zealand, Australia, and the United Kingdom of Great Britain and Northern Ireland, the Fund now stands at 27 million New Zealand dollars ($NZ).[2]

30. Tokelau's overall budget for 2004/05 was set at $NZ 10,500,000. The full budget is now under Tokelau's control (previously it controlled the budgetary support element but not the project assistance funds), with New Zealand continuing to be the primary source of economic support. During the financial year, New Zealand provided additional grants for special purposes: to improve shipping services ($NZ 400,000); a cyclone recovery programme ($NZ 900,000); to complete the national power supply programme ($NZ 1 million); and to support the political evolution process ($NZ 152,000).

31. Work is being finalized on a comprehensive review of Tokelau's development assistance needs, in preparation for upcoming discussions on economic support levels for the 2007-2010 period. Work will focus on the devolution arrangements and any capability gaps in public services. As part of the review, which will be conducted jointly by Tokelau and New Zealand, a strategic plan is expected to be worked out to address key development objectives and priorities over the next triennium. In addition, UNDP began discussions on its next programming cycle in late 2006. The comprehensive review will provide a valuable guide to programmes that could be supported by UNDP from 2008 onwards.

[2] As at 5 February 2007, the New Zealand dollar was equivalent to 0.68 United States dollars.

32. In late November 2006, the Territory hosted 10 regional and international organizations. The visit was a first whereby United Nations organizations, including UNDP, the United Nations Development Fund for Women, the United Nations Children's Fund, the World Health Organization (WHO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and regional bodies such as the Secretariat of the Pacific Community, the Secretariat of the Pacific Regional Environment Programme, the Secretariat for the Pacific Applied Geoscience Commission, the South Pacific Board of Educational Assessment, the University of the South Pacific (USP) and the USP Pride Project all worked together to develop a joint mission report and strategy for Tokelau. It is envisaged that a draft strategy for the work of agencies active in Tokelau, covering the period from 2007 to 2010, prepared jointly by the United Nations and the Council of Regional Organizations in the Pacific, will be released sometime in the early part of 2007 for initial discussion. It is hoped that the strategy will avoid a piecemeal approach to development programmes.

33. In the previous country programme cycle, from 1998 to 2002, UNDP contributed from its office in Apia to the strengthening of the Territory's social and economic capabilities as it moved towards greater self-government and self-reliance. Some of the milestones in the UNDP relationship with Tokelau have been the first telephone connection in the Territory in 1997, building sea walls after a cyclone and its early and ongoing support for the Modern House of Tokelau project.

34. In August 2002, when the UNDP Resident Representative accompanied the United Nations Visiting Mission to Tokelau, she introduced the new Tokelau/UNDP country programme for 2003-2007, which aimed to invest over US$ 700,000 per year over the five-year period, focusing again on support for the Modern House project, with grant assistance in the areas of governance, sustainable human development, disaster risk reduction, energy and environment. Under governance, support will continue for capacity-building and training in the public sector and the promotion of gender issues in development. The focus will be on support for the decolonization process and the referendum. Under sustainable human development, UNDP will continue its support for strengthening social and economic systems, which assisted in the establishment of Tokelau's first Department of Economic Development and Environment, support development projects, such as village microenterprise projects for women and skills training for youth, a comprehensive assessment of the status of information and communications technology on the atolls and environmental management projects, including reducing reliance on fossil fuels by building solar energy units and improving fuel storage and protection against oil spills (see also para. 42 below).

35. While Tokelau does not qualify for funding under the Global Environment Facility (GEF) owing to its non-self-governing status, UNDP has raised special resources so that Tokelau may participate in selected GEF regional programmes, in particular the oceanic fisheries and regional energy programmes. UNDP has also expedited the participation of Tokelau in the GEF Small Grants Programme, which began in 2006. The representative also noted the willingness of UNDP to assist the Territory should a study to review the options for its future self-determination be requested by Tokelau.

36. Work continued during 2005 on Tokelau's economic development plan. The position of Director of Economic Development and Environment was filled by a

contract officer in January 2005 and is now being advertised as a permanent appointment. The Council of Ongoing Government is giving high priority to the plan. Discussions were initiated with a number of potential development partners and groupings in 2005. The Department is currently planning a Tokelau economic summit, to take place in April and May of 2007, in the hope of bringing together key stakeholders who would support economic development initiatives at the village level.

37. Regarding commercial fisheries, under the 1987 Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America, Tokelau earns fees paid by United States vessels fishing in its exclusive economic zone. Tokelau earned $NZ 303,173 in fishing fees in 2005 and 2006.

38. In February 2005, Tokelau was struck by a force 5 cyclone (cyclone Percy), which did considerable damage to Tokelau's infrastructure and caused major damage to the villages of Nukunonu and Fakaofo. In addition to the assistance provided by New Zealand, Tokelau received generous offers of help from UNDP and the Governments of Australia and Samoa. The United Nations Office for the Coordination of Humanitarian Affairs fielded a Disaster Assessment Coordination team within one week of the disaster at the request of the United Nations Resident Coordinator based in Apia. The team conducted an assessment of the damage caused by the cyclone and identified areas that required priority assistance from the United Nations and the international community. A number of non-governmental organizations (for example, the Samoa Red Cross Society) and individuals also contributed to the relief effort. Sea wall repairs and extensions are now a high priority in all three villages. In 2006, UNDP provided $205,000 for the sea wall project. The project is ongoing at present under a national execution modality, wherein each atoll has been allocated funds from the total amount for strengthening their sea walls.

B. Public services

39. No further developments were reported during the review period (see A/AC.109/2005/3, paras. 32-34).

C. Transport and communications

40. Tokelau has no airstrips and until recently its main transportation option was that provided by a single vessel, the *MV Tokelau*, a mail ship with limited cargo and passenger capacity that provided a service every two weeks between Tokelau and Apia, as well as inter-atoll services. The United Nations mission that visited the Territory in August 2002 concluded that the lack of transportation options was one of the greatest obstacles to economic development in the Territory and recommended that serious consideration be given to the establishment of a dedicated inter-atoll ferry and an airstrip on one of the atolls. Since 2003, New Zealand has funded additional visits by larger vessels under charter from the Samoa Shipping Corporation. A review of shipping services has been completed and consideration is now being given to the provision by New Zealand, under its official development assistance programme, of a purpose-built ship owned by the Tokelau Government.

During the Pacific regional seminar on Decolonization, held in Fiji in November 2006, Administrator David Payton said he was pleased to be able to signal major advances in the upgrading of the shipping services. Improvements to the wharfage facilities at each atoll are also being studied.

41. Over the past 10 years, large investments have been made to facilitate contacts for Tokelauans inter-atoll as well as with the outside world. In April 1997, the Telecommunications Tokelau Corporation, a $NZ 4 million international telecommunication service, was inaugurated. Tokelau also has a website (http://www.dot.tk) which became operational in January 2002 and offers both free and paid dot.tk domain names. The website is the result of a commercial licensing agreement between the Corporation and a private company, Taloha Inc. It is seen as having the potential to provide revenue to the Territory without any capital outlay by the Corporation.[3]

42. In February 2002, FM radio stations were inaugurated on each of the atolls with funding from the New Zealand Agency for International Development. Although they currently operate independently, there are plans to link them at least once a week for a national programme. This is being considered under a media development project funded by UNESCO. The new radio stations are seen as an excellent means of maintaining the Territory's cultural heritage, as well as a way of facilitating communication and transparency on community and decision-making matters, since they broadcast meetings of the Council of Elders on each atoll.

43. In 2004, UNDP funded a comprehensive review of telecommunications and stimulated a number of reforms in the Telecommunications Tokelau Corporation and integration of Internet facilities and services. A Tokelau law website, funded by the UNDP democratic governance trust fund, aimed at making the Constitution and all Tokelauan legislation accessible to the Tokelauan population, was developed in 2005 and launched in February 2006.

D. Power supply

44. In 2001, work was begun on a diesel-powered electricity system in all three atolls under the auspices of the New Zealand Agency for International Development. The initial stages of the project, completed in 2004, cost some $NZ 2 million. In 2005, an agreement was reached on the completion of the project at an additional cost of $NZ 1 million. Work is now under way. Tokelau's undertaking to be completely provisioned by renewable energy sources is supported by a pilot photovoltaic energy grid project funded by UNDP and contributions from the Government of France. The project, covering 15 households on Fakaofo, will be expanded to complete atoll coverage, thereby significantly reducing reliance on fossil fuels.

[3] Press release, "History in the making" (February 2002), and information transmitted by the Administrator of Tokelau.

V. Social conditions

A. Education

45. Under Tokelau's compulsory education system, primary and secondary education are available to everyone. As a member of the University of the South Pacific, Tokelau also has access to the University's educational telecommunications system, through a satellite established in Atafu. The low standard of the education system remains a problem, however, with many families migrating to New Zealand or Samoa in order for their children to receive higher-quality education. In 2002, a comprehensive study of Tokelau's education system was carried out. Additional technical support has been provided by New Zealand in line with the recommendations of the report. In 2006, $NZ 445,000 was allocated to scholarships. In 2004, a senior education adviser was appointed; in 2005, a strategic plan was developed in consultation with all three villages.

B. Health

46. Average life expectancy is 69 years.[4] There are three basic hospitals, one on each atoll. The shortage of qualified medical practitioners and general health-care workers and the maintenance of installations and equipment remain serious problems. In addition, the need to transfer the more serious cases to Samoa or New Zealand for treatment represents a large expense in the national budget. A New Zealand-based health adviser provides support to the Director of Health and coordinates the provision of advice and assistance, including the appointment of doctors for limited periods. A new arrangement with a regional health board has resulted in significant improvements in the management of patient referrals to New Zealand. A pilot cervical screening programme is now under way: a pharmacist has been contracted to help with supplies of medicine and drugs. A senior nursing adviser has been appointed to raise professional nursing standards. The 2005-2006 budget allocation for health was $NZ 1.1 million.

47. Tokelau is an Associate Member of WHO, which has focused its support on four priority health areas (with a total budget allocation of $107,000 in 2006), namely, human resources for health (such as the training of dentists and nurses); health promotion (workshops and awareness campaigns on HIV/AIDS and other topics); non-communicable disease prevention and control (such as surveys of risk factors), tobacco education through training courses and workshops, surveys and campaigns; and providing technical consultants and supplies and equipment. The need for these health education programmes has come as a result of changes in lifestyle and an increase in non-communicable diseases in Tokelau.[5]

C. Status of women

48. No further developments were reported during the review period (see A/AC.109/2005/3, para. 42).

---

[4] UNDP, *Pacific Human Development Report*, 1999.

[5] Information from WHO, 28 January 2007.

VI. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

49. It will be recalled that in August 2002, a mission of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples visited Tokelau and New Zealand at the invitation of the Government of New Zealand and the people of Tokelau. It was the fifth United Nations fact-finding mission to Tokelau, the first having been in 1976. For further details, see the report of the mission (A/AC.109/2002/31). In October 2004, the Chairperson of the Special Committee on Decolonization attended the special constitutional workshop held at Atafu, pursuant to the invitation extended by the Ulu of Tokelau earlier in the year.

50. In February 2006, at the invitation of the Government of New Zealand and the people of Tokelau, the former Chairman of the Decolonization Committee, Ambassador Robert Aisi, and a representative of the Decolonization Unit of the Department of Political Affairs attended the Tokelau referendum, as described in paragraph 17 above. In June 2006, like in previous years, the Ulu-o-Tokelau, Kolouei O'Brien, and the then Administrator, Neil Walter, participated in the session of the Special Committee at Headquarters in New York (see paras. 55 and 57 below). In November 2006, the Special Committee held a Pacific regional seminar in Yanuca, Fiji, at which Tokelau was used as a case study illustrating how small Territories might approach the challenges of decolonization.[6]

51. The Special Committee considered the question of Tokelau at its 13th meeting, on 22 June 2006 (see A/AC.109/2006/SR.13). Statements were made at that meeting by the Administrator of Tokelau and the Ulu-o-Tokelau. The representative of Papua New Guinea, on behalf of Fiji and Papua New Guinea, introduced a draft resolution entitled "Question of Tokelau" (A/AC.109/2006/L.15). The Committee adopted the draft resolution without a vote.

B. Special Political and Decolonization Committee (Fourth Committee)

52. At its 2nd meeting, on 2 October 2006, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard statements by the Rapporteur and the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in which they referred to developments in 2006 regarding Tokelau (see A/C.4/61/SR.2).

53. At the same meeting, the Special Political and Decolonization Committee heard a statement by the Permanent Representative of New Zealand to the United Nations. At the same meeting, the representatives of Cuba and Saint Lucia also made statements in which they commended the New Zealand Government for its exemplary cooperation with the Special Committee. The representatives also noted

[6] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 23 A* (A/61/23/Add.1).

the value of visiting missions to Non-Self-Governing Territories as an important way of disseminating information on their options for self-determination. At its 7th meeting, on 11 October 2006, the Committee adopted the draft resolution entitled "Question of Tokelau",[7] as orally revised by its sponsors, without a vote.

C. Action taken by the General Assembly

54. On 14 December 2006, at its 79th plenary meeting, on the recommendation of the Fourth Committee, the General Assembly adopted resolution 61/127 on the question of Tokelau without a vote. On the same date, it also adopted resolution 61/130 on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, paragraphs 6 to 9 of which refer to Tokelau.

VII. Future status of the Territory

A. Position of the administering Power

55. Speaking before the Special Committee on Decolonization at its 13th meeting, on 22 June 2006, the then Administrator of Tokelau, Neil Walter, said it was surprising and disappointing that Tokelau had failed to garner enough votes to approve the February referendum to become self-governing in free association with New Zealand (see A/AC.109/2006/SR.13). For three decades, Tokelau had been steadily developing its capacity for self-government, establishing its own political and governance systems and judiciary, as well as full control over its budget. In practice, Tokelau had been running its own affairs for some considerable time under delegated authority from the Administrator, with New Zealand increasingly concentrating on playing its support role. In addition, an immense amount of work had gone into the framing of a draft constitution and a draft treaty of free association, which reflected the equal partnership that had developed between Tokelau and New Zealand. He said that both texts had been endorsed by Tokelau's General Fono and New Zealand's Cabinet, and if and when adopted by Tokelau, would lock in for all time both Tokelau's right to determine its own destiny and New Zealand's commitment to provide support and assistance. The Administrator also confirmed that following the referendum, the request by Tokelau's Council of Ongoing Government to leave the referendum package on the table had been agreed to by the New Zealand Government. He also noted that, for its part, New Zealand would continue to respect the right of Tokelau to determine the direction and pace of political change.

56. Speaking before the Special Political and Decolonization Committee (Fourth Committee) at its 2nd meeting, on 2 October 2006, the representative of New Zealand said that although there had been a 95 per cent turnout for the referendum on self-government of Tokelau in free association with New Zealand, held from 11 to 15 February 2006, votes in favour had fallen just short of the two-thirds majority required, with 60 per cent of the voters supporting self-government in free association with New Zealand (see A/C.4/61/SR.2). Tokelau's political leadership was disappointed with the outcome but it remained unanimously committed to the

[7] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 23* (A/61/23, chap. XII, draft resolution V).

objective of self-government, she said. Since the referendum, Tokelau's Council of Ongoing Government had conducted meetings with the three village councils and the General Fono, to consider the referendum result and decide on Tokelau's future course of action. She added that Tokelau had recently indicated its intention to schedule a second referendum for November 2007. The representative noted that New Zealand would continue to work with the people of Tokelau as they travelled along that path and appreciated the support of the Special Committee in this.

B. Position of the people of Tokelau

57. At the 13th meeting of the Special Committee, on 22 June 2006, the Ulu-o-Tokelau, Kolouei O'Brien, noted that since the February 2006 referendum, the Tokelauans had reflected on the vote and regrouped (see A/AC.109/2006/SR.13). After several meetings, the General Fono had decided to continue working towards full self-government in free association with New Zealand and in August would set a date for a new referendum. Tokelau's relationship with New Zealand remained strong, he added, noting that the two sides were negotiating the terms of the 2008-2010 budget, as well as improvements to health, education, shipping and village development. Better communications and transport would help strengthen Tokelau internally, as well as its links to the outside world. He expressed hope that the guidance and support of the United Nations and the Special Committee would not waver as Tokelau progressed towards self-determination.

58. As mentioned earlier, during the Special Committee's Pacific regional seminar, held in November 2006 in Yanuca, Fiji, Tokelau was used as a case study illustrating how small Territories might approach the challenges of decolonization. At the seminar, the Ulu-o-Tokelau formally informed the Special Committee of the General Fono's consensus decision in August 2006 to hold a second referendum on Tokelau's self-determination in November 2007. He also said that a timeline of activities had been agreed to leading up to the referendum. A team in each village would be trained in January 2007 on the issues pertaining to the self-determination options and package and on other details to ensure the continuous flow and presence of information on self-determination in the villages for all institutions, including non-governmental organizations and members of the community.

59. Summing up matters which remained on the table for consideration from the Tokelau perspective on decolonization, the Ulu said that, internally, work continued on village governance and strengthening unity at the level of national Government. Externally, the material conditions of communication remain the most obvious and most commented-upon issue. Also, settling the maritime boundaries and formalizing the relationship with Samoa were also significant matters, both for governance and for the better management of Tokelau's exclusive economic zone.